

## **§ 47.4**

### **§ 47.4 When does OIEP provide funding?**

By July 1 of each year OIEP will make available for obligation 80 percent of the funds for the fiscal year that begins on the following October 1.

### **§ 47.5 What is the school supervisor responsible for?**

Each Bureau-operated school's school supervisor has the responsibilities in this section. The school supervisor must do all of the following:

- (a) Ensure that the Bureau-operated school spends funds in accordance with the local educational financial plan, as ratified or amended by the school board;
- (b) Sign all documents required to obligate or pay funds or to record receipt of goods and services;
- (c) Report at least quarterly to the local school board on the amounts spent, obligated, and currently remaining in funds budgeted for each program in the local educational financial plan;
- (d) Recommend changes in budget amounts to carry out the local educational financial plan, and incorporate these changes in the budget as ratified by the local school board, subject to provisions for appeal and overturn; and
- (e) Maintain expenditure records in accordance with financial planning system procedures.

### **§ 47.6 Who has access to local education financial records?**

The Comptroller General, the Assistant Secretary, the Director, or any of their duly authorized representatives have access for audit and explanation purposes to any of the local school's accounts, documents, papers, and records which are related to the Bureau-operated schools' operation.

### **§ 47.7 What are the expenditure limitations for Bureau-operated schools?**

Each Bureau-operated school must spend all allotted funds in accordance with applicable Federal regulations and local education financial plans. If a Bureau-operated school and OIEP region or Agency support services staff disagree over expenditures, the Bureau-operated school must appeal to the Director for a decision.

## **25 CFR Ch. I (4-1-08 Edition)**

### **§ 47.8 Who develops the local educational financial plans?**

The local Bureau-operated school supervisor develops the local educational financial plan in active consultation with the local school board, based on the tentative allotment received.

### **§ 47.9 What are the minimum requirements for the local educational financial plan?**

(a) The local educational financial plan must include:

- (1) Separate funds for each group receiving a discrete program of services is to be provided, including each program funded through the Indian School Equalization Program;
- (2) A budget showing the costs projected for each program; and
- (3) A certification provision meeting the requirements of paragraph (b) of this section.

(b) The certification required by paragraph (a)(3) of this section must provide for:

- (1) Certification by the chairman of the school board that the plan has been ratified in an action of record by the board; and
- (2) Certification by the Education Line Officer that he or she has approved the plan as shown in an action overturning the school board's rejection or amendment of the plan.

### **§ 47.10 How is the local educational financial plan developed?**

(a) The following deadlines apply to development of the local educational financial plan:

- (1) Within 15 days after receiving the tentative allotment, the school supervisor must consult with the local school board on the local educational financial plan.
- (2) Within 30 days of receiving the tentative allotment, the school board must review the local educational financial plan and, by a quorum vote, ratify, reject, or amend, the plan.
- (3) Within one week of the school board action under paragraph (a)(2) of this section, the supervisor must either:

- (i) Send the plan to the education line officer (ELO), along with the official documentation of the school board action; or

## Bureau of Indian Affairs, Interior

## §47.12

(ii) Appeal the school board's decision to the ELO.

(4) The ELO will review the local educational financial plan for compliance with laws and regulations and may refer the plan to the Solicitor's Office for legal review. If the ELO notes any problem with the plan, he or she must:

(i) Notify the local board and local supervisor of the problem within two weeks of receiving the plan;

(ii) Make arrangements to assist the local school supervisor and board to correct the problem; and

(iii) Refer the problem to the Director of the Office of Indian Education if it cannot be solved locally.

(b) When consulting with the school board under paragraph (a)(1) of this section, the school supervisor must:

(1) Discuss the present program of the Bureau-operated school and any proposed changes he or she wishes to recommend;

(2) Give the school board members every opportunity to express their own ideas and views on the supervisor recommendations; and

(3) After the discussions required by paragraphs (b)(1) and (b)(2) of this section, present a draft plan to the school board with recommendations concerning each of the elements.

(c) If the school board does not act within the deadline in paragraph (a)(2)

of this section, the supervisor must send the plan to the ELO for ratification. The school board may later amend the plan by a quorum vote; the supervisor must transmit this amendment in accordance with paragraph (a)(3) of this section.

### **§47.11 Can these funds be used as matching funds for other Federal programs?**

A Bureau-operated school may use funds that it receives under this part as matching funds for other Federal programs.

### **§47.12 Information collection.**

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This part contains collections of information subject to the PRA in §§47.5, 47.7, 47.9, and 47.10. These collections have been approved by OMB under control number 1076-1063.